

SCANNED

DATE: 12/14/04

BY: M.P.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAYTAG CORPORATION,

Plaintiff,

v.

WHIRLPOOL CORPORATION,

Defendant.

Miscellaneous No. 04-mc-10356-RCL

(USDC – Southern District of Iowa, Central
Division Case No. 4:03-CV-10568
Judge Ronald E. Longstaff
Magistrate Ross A. Walters)

**UNOPPOSED STATEMENT TO WITHDRAW MOTION TO QUASH
SUBPOENA DUCES TECUM SERVED ON WILLIAM R. CLARK**

COMES NOW Maytag, and on behalf of the parties hereby withdraws its motion regarding the enforcement of the subpoena served on William R. Clark in the above-captioned matter. In support of the request, the parties stipulate to the following:

1. Plaintiff Maytag Corporation ("Maytag") and Defendant Whirlpool Corporation ("Whirlpool") are parties to a patent infringement suit in the Southern District of Iowa, Case No. 4:03-CV-10568.
2. On December 6, 2004, Defendant Whirlpool served a subpoena duces tecum on Mr. Clark.
3. On December 13, 2004, Plaintiff Maytag filed in this Court a Motion to Quash the subpoena. On the same day, Plaintiff Maytag also filed a Motion for Protective Order in the Southern District of Iowa to preclude Defendant Whirlpool from taking any discovery from Mr. Clark.

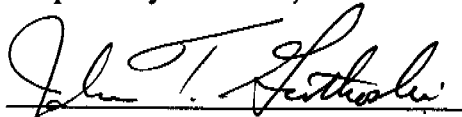
4. The parties have agreed to be bound by the Iowa court's ruling on the pending motion for protective order as to the scope of discovery, if any, to be taken from Mr. Clark.

5. Mr. Clark through counsel has agreed to submit to the jurisdiction of the Iowa court regarding the scope of any discovery relating to the subpoena.

6. Whirlpool withdraws its Massachusetts subpoena because Mr. Clark through counsel has agreed to submit to a deposition, if allowed, with the deposition to take place in Boston subject to the Iowa court's ruling.

WHEREFORE, Maytag withdraws its motion concerning enforcement of the subpoena duces tecum on William R. Clark. Maytag will inform the Court when the present discovery dispute has been disposed of by the District Court in the Southern District of Iowa.

Respectfully submitted,



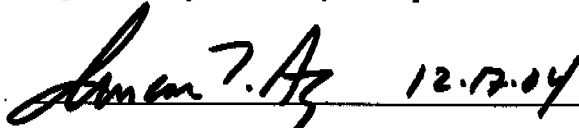
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Stipulation of consent by Whirlpool:



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*MAYTAG CORPORATION and
DEPONENT WILLIAM R. CLARK*

*ATTORNEYS FOR DEFENDANT
WHIRLPOOL CORPORATION*

CERTIFICATE OF SERVICE

I hereby declare that the foregoing instrument was served upon the following this

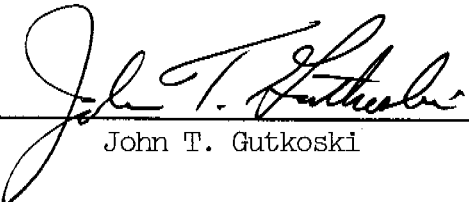
^{20th}
~~13th~~ day of December 2004, via:

☒ 1st Class U.S. Mail ☐ Federal Express ☐ Facsimile
☐ Hand Delivery ☒ Email (.pdf)

TO:

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